

## HOUSE SUBSTITUTE

FOR

HOUSE BILL NO. 1307

AN ACT

2 To amend chapter 306, RSMo, by adding thereto  
3 three new sections relating to boating  
4 safety, with penalty provisions and an  
5 effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
7 AS FOLLOWS:

8 Section A. Chapter 306, RSMo, is amended by adding thereto  
9 three new sections, to be known as sections 306.123, 306.128, and  
10 306.129, to read as follows:

11 306.123. 1. Every person born after August 28, 1981, or as  
12 required pursuant to section 306.128, who operates a vessel or  
13 personal watercraft shall possess, on the vessel or personal  
14 watercraft, a boating safety identification card issued by the  
15 Missouri state water patrol or its agent which shows that he or  
16 she has:

17 (1) Successfully completed a boating safety course approved  
18 by the National Association of State Boating Law Administrators  
19 and certified by the Missouri state water patrol. The boating  
20 safety course may include a course sponsored by the United States  
21 Coast Guard Auxiliary or the United States Power Squadron. The  
22 Missouri state water patrol may appoint agents to administer a

1 boater education course or course equivalency examination and  
2 issue boater identification cards under guidelines established by  
3 the water patrol. The Missouri state water patrol shall maintain  
4 a list of approved courses; or

5 (2) Successfully passed an equivalency examination prepared  
6 by the Missouri state water patrol and administered by the  
7 Missouri state water patrol or its agent. The equivalency  
8 examination shall have a degree of difficulty equal to, or  
9 greater than, that of the examinations given at the conclusion of  
10 an approved boating safety course; or

11 (3) A valid master's, mate's or operator's license issued  
12 by the United States Coast Guard.

13 2. The Missouri state water patrol or its agent shall issue  
14 a permanent boating safety identification card to each person who  
15 complies with the requirements of this section which is valid for  
16 life unless invalidated pursuant to law.

17 3. The Missouri state water patrol may charge a fee for  
18 such card that does not substantially exceed the costs of  
19 administering this section. The Missouri state water patrol or  
20 its designated agent shall collect such fees. These funds shall  
21 be forwarded to general revenue.

22 4. The provisions of this section shall not apply to any  
23 person who:

24 (1) Is licensed by the United States Coast Guard to serve

1 as master of a vessel;

2 (2) Operates a vessel or personal watercraft only on a  
3 private lake or pond that is not classified as waters of the  
4 state;

5 (3) Until December 31, 2004, is a nonresident who is  
6 visiting the state for sixty days or less;

7 (4) Is participating in an event or regatta approved by the  
8 water patrol;

9 (5) Is a nonresident who has proof of a valid boating  
10 certificate or license issued by another state if the boating  
11 course is approved by the National Association of State Boating  
12 Law Administrators;

13 (6) Is exempted by rule of the water patrol; or

14 (7) Is currently serving in any branch of the United States  
15 armed forces, reserves, or Missouri national guard, or any spouse  
16 of a person currently in such service.

17 5. The Missouri state water patrol shall inform other  
18 states of the requirements of this section.

19 6. Any person who violates the provisions of this section  
20 is guilty of a class C misdemeanor and for a second or subsequent  
21 offense is guilty of a class B misdemeanor.

22 7. No rule or portion of a rule promulgated pursuant to the  
23 authority of this section shall become effective unless it has  
24 been promulgated pursuant to the provisions of chapter 536, RSMo.

1       306.128. 1. Any person convicted of an offense pursuant to  
2 section 306.110, 306.111, 306.112, 306.123, 306.132 or 306.141  
3 shall:

4       (1) Enroll in and successfully complete, at his or her own  
5 expense, a boating safety education course that meets minimum  
6 standards established by the water patrol by rule;

7       (2) File with the court proof of successful completion of  
8 such course and submit a certified copy to the water patrol;

9       (3) Not operate a vessel until such filing.

10       (4) The provisions of this section shall not apply to any  
11 person who has previously successfully completed a boating safety  
12 education course.

13       2. No rule or portion of a rule promulgated pursuant to the  
14 authority of this section shall become effective unless it has  
15 been promulgated pursuant to the provisions of chapter 536, RSMo.

16       306.129. 1. There is hereby created in the state treasury  
17 the "Missouri Boating Safety Education Fund", which shall consist  
18 of money collected pursuant to section 306.123, and any gifts,  
19 grants, bequests, or donations. The fund shall be administered  
20 by the department of public safety. Upon appropriation, money in  
21 the fund shall be used solely for the purpose of boating safety  
22 education.

23       2. The provisions of section 33.080, RSMo, shall not apply  
24 to this fund.

1           3. The state treasurer shall invest moneys in the fund in  
2           the same manner as other funds are invested. Any interest and  
3           moneys earned on such investments shall be credited to the fund.

4           Section B. Section A of this act shall become effective on  
5           January 1, 2003.